

Page 10

1 Q. BY MR. KING: Now, Major Fouts, you are here
2 testifying today pursuant to a subpoena served on the
3 Northern New Hampshire Correctional Facility pursuant
4 to Federal Rule of Civil Procedure 30(b)6; is that
5 correct.
6 A. Yes.
7 MS. CUSACK: I'm going to object to the
8 form.
9 THE WITNESS: I'm sorry.
10 MR. KING: What's the basis of the form
11 objection?
12 MS. CUSACK: You said served on the Northern
13 Correctional Facility. I think you served this on the
14 Department of Corrections.
15 MR. KING: Be that as it may.
16 Q. BY MR. KING: And is it your understanding
17 that you are -- strike that.
18 I'm going to refer to the Northern New
19 Hampshire Correctional Facility as NCF. Is that okay?
20 A. Yes, I am familiar with that term.
21 Q. Yes. Is it your understanding that NCF has
22 designated you as its 30(b)6 witness with respect to
23 topics one, two, 11 and 12 in the deposition notice?

Page 11

1 MS. CUSACK: Hold on for a second. So you
2 asked him again if NCF is directed him. This subpoena
3 to me was served on the agency, the Department of
4 Corrections, which under the Department of Corrections
5 has many facilities. So we designated him a 30(b)6
6 for the Department of Corrections. I don't think it
7 matters, but I just want to be clear.
8 MR. KING: Well, I served the deposition
9 notice upon the Northern New Hampshire Correctional
10 Facility.
11 MS. CUSACK: Where do you -- where do you --
12 MR. KING: Notice of deposition pursuant to
13 Federal Rule Civil Procedure 30(b)6. It's the front
14 page of Exhibit 1.
15 MS. CUSACK: Yep. Pursuant to 30(b)6,
16 right, to the Department of Corrections. That's how I
17 took this. It doesn't say to NCF.
18 MR. KING: The first paragraph under
19 Lynmarie Cusack and Frank Fredericks, "Please take
20 notice that pursuant to Federal Rule of Civil
21 Procedure 30(b)6 and 45, plaintiff will take the
22 deposition upon oral examination of the Northern New
23 Hampshire Correctional Facility through one or more of

Page 12

1 its officers, directors, agents or other
2 representatives."
3 MS. CUSACK: Well, I took this to be a
4 Department of Corrections because the -- the NCF does
5 not stand alone as an agency. The 30(b)6 depo is to
6 an organization, entity or agency, and I took it to be
7 Department of Corrections, and that's why we
8 designated Major Fouts. I don't think it means
9 anything. I just want to be clear.
10 MR. KING: Okay.
11 Q. BY MR. KING: Sir, is it your understanding
12 that you are testifying here today as the 30(b)6
13 witness with respect to topics one, two, 11 and 12 of
14 Exhibit A of the deposition notice that we've marked
15 as Exhibit 1 to your deposition?
16 A. Could you repeat the numbers, the individual
17 numbers again?
18 Q. Yes, sir. Topics one, two, 11 and 12.
19 A. Yes, I agree.
20 Q. Okay. Please describe for me the training
21 that Kathy Bergeron received before August 24, 2012,
22 with respect to the procedures that a correctional
23 officer should follow in connection with completing

Page 13

1 rounds.
2 A. Initially upon initial hire of the employee,
3 they would be assigned with a fellow correctional
4 officer, a certified correctional officer, one who is
5 fully trained in all the duties and responsibilities
6 of a correctional officer in what we call a Velcro
7 status. It's basically they stay literally joined.
8 They do everything they do together, and that training
9 -- trainee officer will literally shadow that officer,
10 learn all of the procedures. It's kind of an
11 on-the-job training if you will.
12 Beyond that when designated to do so based
13 on the schedule of the training academy, then the
14 officer would attend the -- the full training academy,
15 Police Standards and Training, which covers all topics
16 related to being a correctional officer and their
17 duties. At the completion of the corrections academy,
18 the officer would return to their home facility and
19 engage in a four-week what we call FTO program, short
20 for field training officer program, and basically
21 applying the skills that they learned pre-academy,
22 specifically the skills that they learned in the
23 academy.